UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/483,399	01/14/2000	Michael L. Trompower	TELNP200US	8324

23623 7590 08/13/2002

AMIN & TUROCY, LLP
1900 EAST 9TH STREET, NATIONAL CITY CENTER
24TH FLOOR,
CLEVELAND, OH 44114

EXAMINER	
MEHRPOUR, NAGHMEH	
ART UNIT	**PAPER NUMBER**
2685	

DATE MAILED: 08/13/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/483,399	Applicant(s) Micheal L Trompower
	Examiner Naghmeh Mehrpour	Art Unit 2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *May 15, 2002* .

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-35* is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1, 2, 4-21, and 23-35* is/are rejected.

7) ☒ Claim(s) *3 and 22* is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
4) ☐ Interview Summary (PTO-413) Paper No(s). _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. **Claims 1-2, 4-21, 23-35**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Rom (US Patent Number 5,450,616) in view of Fischer et al. (US Patent Number 5,768,605). Regarding **Claims 1-2, 7, 12-13, 16-18, 29,** Rom teaches a communication an access point system in a cellular communication system utilizing an standard protocol, comprising: a transmitter adapted to transmit data over an RF link; a power control module coupled to the transmitter (Column 4 lines 30-45), a processor coupled to the power adjustment module, the processor being adapted to provide power adjustment information to the power control module; and a receiver coupled to the processor, the receiver adapted to receive data over an RF link wherein the access point system is coupled to a network (See figure 3, Column 6 lines 31-47). a Rom teaches a method for controlling transmitter power in the wireless LAN. Rom teaches transmitting a first portion of data at first transmission and the second portion of the data at the second portion at a second portion (col 5 lines 10-16, col 6 lines 20-50, col 8 lines 34-42)). Rom does not teach that the data is PLCP and power control module having a data packet having a

PLCP preamble and PLCP header portion and a data portion. However Fischer explains what kind of data PLCP is, and what is the use of it. Fischer further teaches having PLCP preamble and PLCP header portion and a data portion transmitted while the system ramping up and down of the power (See figure 1, Column 2 lines 56-67, Column 3 lines 1-10 Therefore it is obvious that we can combined the method of data transmission of Rom with Fischer data (PLCP), in order to provide different power level for different power of data packet for the purpose of the improving the performance of the wireless system.

Regarding **Claims 4-5, 19-21, 32-35,** Rom teaches that a communication unit transmits the first portion of the data packet at a first data rate, the second portion of the data packet at a second data rate and the third portion of the data packet at a third data rate (Column 9 lines 50-68 Column 8 lines 15-66).

Regarding **Claim 6,** Rom fails to teach that the unit wherein the data packet conforms to the IEEE 8 02.11 standard protocol and the first portion of the data packet is a PLCP preamble, the second portion of the data packet is a PLCP header and the portion of the data packet is a data portion. However Fischer teaches a unit wherein the data packet conforms to the IEEE 8 02.11 standard protocol and the first portion of the data packet is a PLCP preamble, the second portion of the data packet is a PLCP header and the portion of the data packet is a data portion (See figure 1, Column 2 lines 62-67, Column 3 lines 1-19). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to provide above teaching of Fischer to Rom, in order to provide synchronized signal control.

Regarding **Claim 8,** Rom teaches a network that nodes can communicate with each other directly. Thus a node may be a data sending node at one time and a data receiving node at another time, therefore nodes can be Mobile or Base station (See figure 1b, Column 4 lines 52-57)..

Regarding **Claims 9,** Rom teaches a unit wherein the power control module includes a transmission power amplifier 35 adapted to receive the power data packet and dynamically control the transmission power of the first portion and the second portions (See figure 3, Column 5 lines 19-30).

Regarding **Claim 10-11, 14, 30-31,** Rom fails to teach a unit wherein the power control module includes a transmission power amplifier adapted to receive the data packet , control the transmission power of the PLCP preamble portion and the data portion, the transmission power amplifier coupled to a D/A converter a D/A converter adapted to receive power data information in digital format and convert the power data information to an analog control signal, the analog signal adapted to control the transmission power of the transmission power amplifier. However Fischer teaches a unit wherein the power control module includes a transmission power amplifier adapted to receive the data packet and control the transmission power of the PLCP preamble portion and the data portion, the transmission power amplifier coupled to a D/A converter a D/A converter adapted to receive power data information in digital format and convert the power data information to an analog control signal, the analog signal adapted to control the transmission power of the transmission power amplifier (See figures 1, 2, Column 3 lines 1-19, lines 29-39). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was

made to provide above teaching of Fischer to Rom, in order to provide a system that has a better performance with high signal qualities.

Regarding **Claim 15,** Rom fails teach a unit further including a processor coupled to the power data register section, the processor adapted to transmit the power data information to the power data register section. However Fischer teaches a unit further including a processor coupled to the power data register section, the processor adapted to transmit the power data information to the power data register section (See figure 3, Column 4 lines 28-40). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to provide above teaching of Fischer to Rom, in order to calculate the power transmission of received data.

Regarding **Claims 23-28,** Rom teaches method wherein a step of providing a communication unit precedes the step of transmitting a first portion of the data packet at a first transmission power level, the communication unit including a transmitter, a power control module coupled to the transmitter, a processor coupled to the power control module and a receiver coupled to the processor (See figure 3, Column 11 lines 9-45).

Allowable Subject Matter

3. **Claims 3, 22,** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

4. Applicant's arguments filed 5/15/02 have been fully considered but they are not persuasive.

In response to the applicant's argument that *Fischer does not teach PLCP header and one transmission power and the data portion at a second transmission, and Fischer is concerned with timing sequence for ramping up a transmission before sending data and ramping the transmitter down after sending data rather than transmitting two different portions of a data packet at two different transmission powers.*

In response to applicant's argument that Examiner responses that Rom teaches a method for controlling transmitter power in the wireless LAN. Rom teaches transmitting a first portion of data at first transmission and the second portion of the data at the second portion at a second portion (col 5 lines 10-16, col 6 lines 20-50, col 8 lines 34-42)). Rom does not teach that the data is PLCP. However Fischer explains what kind of data PLCP is, and what is the use of it. Therefore it is obvious that we can combined the method of data transmission of Rom with Fischer data (PLCP), in order to provide different power level for different power of data packet for the purpose of the improving the performance of the wireless system.

In response to applicant's argument that the combination of Rom and Fischer dose not make obvious rejection, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test

is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

Conclusion

5. **THIS ACTION IS MADE FINAL**. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. **Any responses to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications indented for entry)

Or:

(703) 308-6306, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II. 2121 Crystal Drive, Arlington. Va., sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Melody Mehrpour whose telephone number is (703) 308-7159. The examiner can normally be reached on Monday through Thursday (first week of bi-week) and Monday through Friday (second week of bi-week) from 6:30 a.m. to 5:00 p.m.

If attempt to reach the examiner are unsuccessful the examiner's supervisor, Edward F. Urban can be reached (703)305-4385.

NM

Aug 5, 2002

EDWARD F. URBAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600